

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA J. JACKSON,

Plaintiff,

-against-

HALEY ROSS; BROOKLYN DEFENDER
SERVICES; NEW YORK CITY POLICE
DEPARTMENT; NEW YORK CITY HEALTH
+ HOSPITALS,

Defendants.

25 Civ. 3392 (JHR)

ORDER OF SERVICE

JENNIFER H. REARDEN, United States District Judge:

Plaintiff, appearing *pro se*, brings this action under 42 U.S.C. § 1983 alleging violations of his constitutional rights in connection with a false arrest on July 23, 2022 outside his home at the time in Brooklyn, New York. His complaint may also be construed as asserting claims under New York State law. *See McLeod v. Jewish Guild for the Blind*, 864 F.3d 154, 158 (2d Cir. 2017) (holding that district courts must construe a *pro se* plaintiff's complaint as asserting claims under laws of which factual allegations suggest a violation). By Order dated June 26, 2025, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

STANDARD OF REVIEW

The Court must dismiss an IFP complaint, or portion thereof, that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *see Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998).

DISCUSSION

A. Claims against the New York City Police Department (the “NYPD”), Inspector Gaby Celiba, and the City of New York

Plaintiff’s claims against the NYPD must be dismissed because an agency of the City of New York is not an entity that can be sued. N.Y. City Charter ch. 17, § 396 (“All actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the city of New York and not in that of any agency, except where otherwise provided by law.”); *Jenkins v. City of New York*, 478 F.3d 76, 93 n.19 (2d Cir. 2007); *see also Emerson v. City of New York*, 740 F. Supp. 2d 385, 396 (S.D.N.Y. 2010) (“[A] plaintiff is generally prohibited from suing a municipal agency.”).

In the Complaint, Plaintiff alleges that Inspector Gaby Celiba was one of the 67th Precinct officers who arrested him. *See* Compl. at 8. In light of Plaintiff’s *pro se* status and clear intention to assert claims against Inspector Celiba and the City of New York, the Court directs the Clerk of Court to amend the caption of this action to add Inspector Celiba and the City of New York as Defendants. *See* Fed. R. Civ. P. 21. This amendment is without prejudice to any defenses that Inspector Celiba or the City of New York may wish to assert.

B. Service on the identified defendants

1. Haley Ross, Brooklyn Defender Services, and New York City Health + Hospitals (“H+HC”)

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires service of a summons within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

(2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants Haley Ross, Brooklyn Defender Services, and New York City Health + Hospitals through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and to deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants Haley Ross, Brooklyn Defender Services, and New York City Health + Hospitals.

If the Complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request such an extension).

Plaintiff must notify the Court in writing if his address changes. **The Court may dismiss the action if Plaintiff fails to do so.**

2. Inspector Gaby Celiba and the City of New York

The Clerk of Court is directed to notify the NYPD and the New York City Law Department of this Order. The Court requests that Inspector Gaby Celiba and the City of New York waive service of summons.

C. The Unidentified Defendants

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the Court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In his complaint, Plaintiff provides sufficient information to permit the NYPD to identify the other 67th Precinct police officers who arrested him on July 23, 2022. It is therefore ordered that the New York City Law Department,

which is the attorney for and agent of the NYPD, ascertain the identity and badge number of each John Doe whom Plaintiff seeks to sue, as well as the address where each John Doe may be served.² The New York City Law Department must provide this information to the Court and to Plaintiff within sixty (60) days of the date of this Order.

Within thirty (30) days of receiving the aforementioned information, Plaintiff must file an amended complaint naming those newly identified individuals as Defendants and providing their badge numbers. The amended complaint will replace, not supplement, the original complaint. An amended complaint form that Plaintiff should complete is attached to this Order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order asking Defendants to waive service.

CONCLUSION

The Court dismisses Plaintiff's claims against the New York City Police Department. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

The Clerk of Court is directed to add Inspector Gaby Celiba and the City of New York as Defendants under Fed. R. Civ. P. 21.

The Clerk of Court is further instructed to issue summonses for Haley Ross, Brooklyn Defender Services, and New York City Health + Hospitals; complete the USM-285 form with the address for those Defendants; and deliver all documents necessary to effect service to the U.S. Marshals Service.

² If any of the unidentified "Jane Doe" or "John Doe" defendants is a current or former NYPD employee or official, then the New York City Law Department should note in its response to this Order that an electronic request for a waiver of service may be made under the e-service agreement for cases involving NYPD defendants, rather than by personal service at a precinct or 1 Police Plaza. If any such defendant is not a current or former NYPD employee or official but otherwise works or worked at a police precinct, then the New York City Law Department must provide a residential address where the individual may be served.

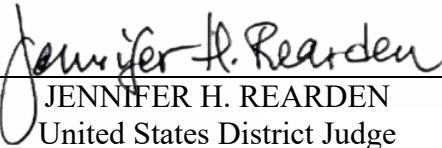
The Clerk of Court is further directed to electronically notify the New York City Police Department and the New York City Law Department of this Order. The Court requests that Inspector Gaby Celiba and the City of New York waive service of summons.

The Clerk of Court is also directed to: (1) mail a copy of this Order and the Complaint to the New York City Law Department at: 100 Church Street, New York, N.Y. 10007; and (2) mail an information package to Plaintiff.

An “Amended Complaint” form is attached to this Order.

SO ORDERED.

Dated: July 15, 2025
New York, New York



JENNIFER H. REARDEN
United States District Judge

SERVICE ADDRESS FOR EACH DEFENDANT

1. Haley Ross
Brooklyn Defender Services
177 Livingston Street, #7
Brooklyn, N.Y. 11201
2. Brooklyn Defender Services
177 Livingston Street, #7
Brooklyn, N.Y. 11201
3. New York City Health + Hospitals
50 Water Street
17th Floor
New York, NY 10004

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Write the full name of each plaintiff.

____CV_____
(Include case number if one has been
assigned)

-against-

COMPLAINT

Do you want a jury trial?

Yes No

Write the full name of each defendant. If you need more
space, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of
names. The names listed above must be identical to those
contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed
with the court should therefore *not* contain: an individual's full social security number or full
birth date; the full name of a person known to be a minor; or a complete financial account
number. A filing may include *only*: the last four digits of a social security number; the year of
an individual's birth; a minor's initials; and the last four digits of a financial account number.
See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- Federal Question**
- Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____.

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of _____
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____.

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of _____
the State of _____
and has its principal place of business in the State of _____
or is incorporated under the laws of (foreign state) _____
and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

First Name	Middle Initial	Last Name
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Street Address

County, City	State	Zip Code
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Telephone Number	Email Address (if available)
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B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 4:

First Name	Last Name	
<hr/>		
Current Job Title (or other identifying information)		
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Current Work Address (or other address where defendant may be served)		
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County, City	State	Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence:

Date(s) of occurrence:

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated	Plaintiff's Signature	
First Name	Middle Initial	Last Name
Street Address		
County, City	State	Zip Code
Telephone Number	Email Address (if available)	

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.